

REMARKS

ASSOCIATION OF NATIONAL ADVERTISERS

NEW YORK

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**I SPEAK TO YOU TODAY AS A PHYSICIAN, A ^{FORMER} HEALTH OFFICER,
A CITIZEN WHOSE PRIMARY CONCERN IS THE HEALTH OF THE
AMERICAN PEOPLE.**

**I SPEAK TO YOU AT A TIME WHEN EVERY KNOWLEDGEABLE
VOICE WARNS THAT AMERICAN HEALTHCARE IS IN THE THROES
OF A REVOLUTION: THE AMERICAN PEOPLE, IN THE YEARS
AHEAD, WILL SIMPLY NOT BE ABLE TO AFFORD THE HIGH COST
OF REHABILITATIVE MEDICINE.**

**WE CAN NO LONGER WAIT UNTIL WE GET SICK OR BROKEN, AND
THEN TURN TO MEDICINE TO PATCH US UP.**

T HERE IS MORE TO HEALTH THAN MEDICINE.

**NOW, AND IN THE FUTURE, PREVENTION IS THE WORD OF THE
HOUR,**

THE NAME OF THE GAME.

**THE CONNECTION BETWEEN ADVERTISING AND THE HEALTH OF
THE AMERICAN PEOPLE, AS FAR AS PREVENTION OF DISEASE AND
DEATH IS CONCERNED, FOCUSES OUR ATTENTION ON THE
COMPELLING NEED TO BAN TOBACCO AND ALCOHOL
ADVERTISING.**

**WE MUST KEEP TOBACCO ADS OFF TELEVISION, AND WE MUST
MAKE ALCOHOL ADS DEPART TOO.**

**IT IS UNCONTESTABLE: UNDENIABLE HARM TO INDIVIDUALS AND
TO OUR NATION COMES FROM ALCOHOL AND TOBACCO.**

**SMOKING IS "THE CHIEF, SINGLE, AVOIDABLE CAUSE OF DEATH
IN OUR SOCIETY AND THE MOST IMPORTANT PUBLIC HEALTH**

**ISSUE OF OUR TIME" (CEK) . 17 IS RESPONSIBLE FOR
380 000 DEATHS / YEAR .**

**AS WE MOUNT OUR NATIONAL WAR ON DRUGS,
THERE IS SOMETHING PERVERSE ABOUT OUR CONDONING
ADVERTISEMENTS FOR THE GREATEST KILLER-DRUG OF ALL:
NICOTINE.**

**TODAY WE ARE TALKING, NOT ABOUT PRIVATE PRINT, BUT ABOUT
PUBLIC PROPERTY.**

THE AIR WAVES BELONG TO THE PUBLIC.

**THE PUBLIC HAS A RIGHT TO MAKE SURE THAT THE AIR WAVES
ARE NOT EXPLOITED FOR PUBLIC HARM.**

**A CONTINUED BAN ON BROADCAST ADVERTISING FOR TOBACCO
AND A BAN ON ALCOHOL ADVERTISING IS A COMPELLING PUBLIC
HEALTH CONCERN.**

**THE STORY FOR ALCOHOL ADVERTISING IS MUCH THE SAME AS
THAT FOR TOBACCO.**

**ALCOHOL IS A TOXIC, POTENTIALLY ADDICTIVE DRUG, THE
GREATEST KILLER OF AMERICAN YOUNG PEOPLE BETWEEN 16
AND 24.**

**ALCOHOL ABUSE COSTS ANNUALLY 100,000 DEATHS AND \$120
BILLION IN ECONOMIC LOSSES.**

**IN SPITE OF THIS GREAT COST, ALCOHOL ADS PITCH A LIFESTYLE
THAT INCLUDES DRINKING AS A VITAL COMPONENT.**

**ALCOHOL IS VISUALLY ASSOCIATED WITH SEX, FRIENDSHIP,
AFFLUENCE, PATRIOTISM, FITNESS, HEALTH.**

THE DECEPTIVE MESSAGE IS CLEAR:

"EVERYBODY DRINKS, AND IT'S OK FOR EVERYBODY!"

YOUNG PEOPLE HEAR THIS MESSAGE.

**AMERICAN CHILDREN SEE ABOUT 100,000 BEER COMMERCIALS
BETWEEN THE TIME THEY ARE TODDLERS UNTIL 18.**

**AS DIFFICULT AS THE NATIONAL COMMISSION AGAINST DRUNK
DRIVING WAS WITH ME IN MY EFFORTS TO HOLD A SURGEON
GENERAL'S WORKSHOP ON DRUNK DRIVING, THEY DID PROVIDE
ONE INESCAPABLE TRUTH.**

**THE GREAT MAJORITY OF YOUNG PEOPLE IN HEARINGS HELD
ACROSS THE COUNTRY TESTIFIED THAT THEY BEGAN TO DRINK
BECAUSE OF THE ADVERTISING FOR ALCOHOLIC BEVERAGES.**

LIKE TOBACCO ADVERTISERS, ALCOHOL ADVERTISERS ARE ALWAYS ATTEMPTING TO INCREASE THEIR TOTAL MARKET, TO LURE NEW CONSUMERS TO THEIR PRODUCTS.

THIS MEANS COMPETING, NOT JUST WITH OTHER ALCOHOLIC BEVERAGES, BUT WITH ALL BEVERAGES, INCLUDING SODA, JUICES, AND THE LIKE.

THAT'S WHAT IS BEHIND THE TREND TOWARD WINE COOLERS, LITE BEER, CREAMY LIQUEURS, ETC.AND, SURE ENOUGH, WINE AND BEER CONSUMPTION HAS MOVED UP STEADILY SINCE THIS NEW HEAVY ADVERTISING BEGAN ON TV AND RADIO.

ADVERTISING WORKS. YOU PEOPLE KNOW THAT.

**ADVERTISING BLUNTS THE EFFECTIVENESS OF SMALL PUBLIC
HEALTH EDUCATION CAMPAIGNS.**

**THE SMALL HEALTH WARNINGS ARE NO COMPETITION FOR TV
IMAGES OF THE GOOD LIFE WITH ALCOHOL.**

**I REST MY CASE THERE. MORE CAN BE SAID IN THE Q AND A
SESSION.**

**INDEED, IT IS STRANGE THAT WE SHOULD EVEN NEED TO
ADDRESS THIS SUBJECT.**

**IT IS STRANGE TO ATTEMPT TO HAVE A RATIONAL DISCOURSE
ABOUT AN IRRATIONAL FLUKE OF HISTORY.**

**WITHOUT THE UNHAPPY BURDEN OF HISTORY ALL REASONABLE
PEOPLE WOULD DENOUNCE ANY ATTEMPT TO ENCOURAGE
AMERICANS TO CONSUME SUBSTANCES LIKE TOBACCO OR
ALCOHOL, BECAUSE THEY ARE CLEARLY ASSOCIATED WITH
DISEASE, DISABILITY AND DEATH.**

HISTORY

**IF TOBACCO AND ALCOHOL WERE NOW FOR THE FIRST TIME
BEING TESTED FOR POPULAR CONSUMPTION, THE REGULATORY
AGENCIES WE ENTRUST WITH WATCHING OUT FOR OUR HEALTH
WOULD DISALLOW THEIR USE.**

*TIMING
HISTORY*

**BUT FROM THE BEGINNING, AMERICAN TOBACCO HAS ENJOYED
GOVERNMENT PROTECTION AND CODDLING, DESPITE ITS
SINISTER ASSOCIATIONS, FIRST WITH SLAVERY, AND LATER WITH
CANCER AND HEART DISEASE.**

**SIMILARLY, THE FAILURE OF PROHIBITION IN THE 1920S HAS
MADE AMERICANS SHRINK FROM TAKING THE STEPS ANY *PROHIBITION*
RATIONAL SOCIETY WOULD TAKE TO REDUCE OR ELIMINATE THE
INCALCULABLE PERSONAL AND SOCIAL COST OF ALCOHOL
ABUSE.**

SENSE
LOGIC
IN
ADS

**ALTHOUGH NO ONE CLAIMS THAT ADVERTISING ALONE IS THE
CAUSE FOR DRINKING AND SMOKING, IT DOES NOT MAKE SENSE
THAT TOBACCO AND ALCOHOL ADVERTISERS WOULD SPEND
BILLIONS ON SLICK, GLAMOROUS, SEXY ADVERTISING IF IT DID
NOT PAY OFF.**

ALTHOUGH ONE OF THE MOST GRATIFYING CHANGES DURING
MY TENURE AS SURGEON GENERAL WAS THE DECLINE IN
CIGARETTE SMOKING FROM 33 TO 26, I AM ALARMED BY THE
CONTINUED RISE OF SMOKING IN CERTAIN GROUPS: YOUNG
PEOPLE, WOMEN, AND MINORITIES.

TARGETS

NOT COINCIDENTALLY, THESE THREE GROUPS HAVE BEEN THE
TARGETS OF SPECIAL ADVERTISING BY THE TOBACCO
COMPANIES.

ADVOCATES FOR WOMEN, CHILDREN, AND MINORITIES ARE
INCENSED BY THIS PATRONIZING AND MANIPULATIVE
MARKETING.

CIGARETTE FIRMS MANIPULATE MINORITIES, WOMEN, AND
YOUNG PEOPLE BECAUSE THESE PEOPLE HAVE THE STRONGEST
ASPIRATIONS TO CHANGE THEIR STATUS.

TARGET
ADS

SO THESE ADS ASSOCIATE SMOKING WITH MAKING IT...

IN THE WHITE, OR ANGLO, OR MALE, OR ADULT WORLD.

AT THIS POINT THE CIGARETTE COMPANIES, ALCOHOLIC
BEVERAGE COMPANIES--AND SOME BROADCASTERS-- TROT OUT
THE OLD LINE THAT THEIR ADVERTISING IS INTENDED ONLY TO
ENFORCE BRAND LOYALTY, AND TO GET CONSUMERS TO SWITCH
TO THEIR BRAND.

*BRAND
LOYALTY*

NO ONE REALLY BELIEVES THAT.

BRAND CHANGERS FORM ONLY A TINY FRACTION OF THE
MARKET.

THE REAL PURPOSE OF CIGARETTE ADVERTISING TO IS HOLD ON
TO THOSE SMOKERS ALREADY HOOKED --ADDICTED-- AND TO
ATTRACT NEW ONES.

DRUNK-DRIVING IS NOT THE ONLY PROBLEM.

EFFECTS
OF
ROH

ALCOHOL ABUSE IS A CULPRIT ASSOCIATED WITH CHILD AND
SPOUSE ABUSE, WITH DROWNINGS, WITH FETAL DISORDER,
WITH CANCER, WITH HEART DISEASE.

IRONICALLY, TOBACCO AND ALCOHOL ADVERTISERS OPPOSE
COUNTER-ADVERTISING --OR BANNING ADVERTISING-- BY
SAYING IT WON'T WORK.

IF ADVERTISING BANS ARE INEFFECTIVE, AS THE INDUSTRY
CLAIMS, WHY DO THEY FIGHT SO HARD TO OPPOSE THEM?

LOGIC

THE BROADCASTER'S SELF-IMPOSED BAN ON ADVERTISING FOR

*HARD
LIQUOR*

DISTILLED LIQUOR IS CLEAR EVIDENCE THAT THEY BELIEVE



ADVERTISING TO HAVE AN EFFECT UPON CHILDREN, TEENAGERS,
OR RECOVERING ALCOHOLICS.

THE TIME HAS COME FOR THE AMERICAN PEOPLE TO PROTECT
THEIR CHILDREN --AND THEMSELVES-- FROM THE THREAT TO
THEIR HEALTH IN THEIR AIRWAVES.

POLLS

A BUSINESS WEEK/LOUIS HARRIS POLL INDICATED THAT 57% OF
THE PUBLIC FAVORS TOTAL BAN ON BROADCAST ALCOHOL
ADVERTISING.

IF VOLUNTARY RESTRICTIONS ARE NOT SOON ADOPTED,
ADVERTISING BANS WILL BE MANDATED BY CONGRESS IN
RESPONSE TO PUBLIC DEMAND.

① I'd go to now to my legal college
on free speech per se - I don't
see it going down the tubes
if we protect the health of young people

② We would

③ kids are not in the class
of reasoning people. Paternalism is
26 way ~~of~~ out
for children

**A BAN ON BROADCAST ADVERTISING FOR BOTH ALCOHOL AND
TOBACCO WILL HAVE ALMOST IMMEDIATE POSITIVE RESULTS
FOR THE HEALTH OF THE AMERICAN PEOPLE.**

*COUNTER
ADVT.*

**COUNTER-ADVERTISING IS SUCCESSFUL, AS DEMONSTRATED IN
THE 1960S WITH ANTI-SMOKING ADS.**

**(BUT COUNTER-ADVERTISING HAS DECLINED PRECIPITOUSLY
SINCE THE FCC REPEALED THE FAIRNESS DOCTRINE.)**

**WHEN ADVERTISING HAS BEEN RESTRICTED, HERE AND ABROAD,
SMOKING HAS DECLINED, THEREFORE AFFECTING POSITIVELY
THE HEALTH OF THE SOCIETY.**

**WE HAVE SEEN THE STEADY DECLINE IN SMOKING SINCE TV ADS
WERE BANNED.**

WE CAN SEE SIMILAR RESULTS IN OTHER COUNTRIES.

TOTAL
VS
PARTIAL
BAN

NEW ZEALAND DISCOVERED THAT BANS ON TOBACCO

PROMOTION ARE FOLLOWED BY A SMOKING DECLINE, AND THAT

TOTAL BANS CAUSE A SMOKING DECLINE 4 TIMES FASTER THAN

IN COUNTRIES WITH PARTIAL BANS.

SCANDINAVIA

SIMILARLY A MULTI-FACETED CAMPAIGN (including advertising

restrictions ??) IN SCANDINAVIAN COUNTRIES LED TO A 20%

DECLINE IN DRINKING, AND A 30% DECLINE IN HIGH SCHOOL

DRINKING.

Dr. Conner
where there
is advertising
& it is stopped
all time of
sales has gone
down

I STAND ON COMMON SENSE AND PROVEN HEALTH STUDIES.

I DON'T NEED TO HIDE BEHIND THE FIRST AMENDMENT.

I DON'T NEED TO USE OUR CONSTITUTION AS A SMOKE SCREEN.

AND THE "FREE SPEECH" ARGUMENT USED BY TOBACCO AND

ALCOHOL ADVERTISERS IS A SMOKE SCREEN.

**YOU DON'T SEE THESE PEOPLE OUT IN FRONT ON OTHER FIRST
AMENDMENT ISSUES.**

**FREE
SPEECH
↓
TOBACCO
COMPANIES**

FREE SPEECH HAS NEVER BEEN AN UNLIMITED RIGHT:

WE ALL KNOW YOU CAN'T YELL "FIRE" IN A CROWDED THEATRE.

FREE SPEECH CANNOT INJURE THE COMMON WELFARE TO SERVE
THE COMMERCIAL INTERESTS OF A FEW.

COMMERCIAL SPEECH IS NOT AFFORDED THE SAME PROTECTION
AS ARTISTIC, PERSONAL, OR POLITICAL SPEECH.

RECENT COURT DECISIONS UPHOLD RIGHT TO RESTRICT
COMMERCIAL SPEECH IN NAME OF COMMON WELFARE.

UNTRUTHFUL SPEECH NEVER HAS BEEN PROTECTED FOR ITS
OWN SAKE. COURTS HAVE FOUND THAT THE GOVERNMENT MAY
BAN COMMUNICATION "MORE LIKELY TO DECEIVE THE PUBLIC
THAN TO INFORM IT" (Polin article, note 78; central hudson case)

THE FIRST AMENDMENT WAS NOT INTENDED TO ALLOW LIES TO
BE FOISTED ON THE PUBLIC.

MOST CIGARETTE AND ALCOHOL ADVERTISING IS LIES.

IT ASSOCIATES WITH ROMANCE, GLAMOUR, ATHLETICS, SUCCESS
SUBSTANCES WHICH INSTEAD LEAD TO DISABILITY AND DEATH.

AGE

FIRST AMENDMENT PROTECTION IS NOT EXTENDED TO SPEECH
ENCOURAGING ILLEGAL ACTIVITY.

TOBACCO AND ALCOHOL ADVERTISERS DEPEND UPON REACHING
YOUNG PEOPLE.

MOST OF THOSE WHO SMOKE OR DRINK, BEGAN BEFORE THEY
WERE TWENTY, OR EVEN 15.

IN OTHER WORDS, THE CONTINUED STRENGTH OF THE TOBACCO
AND ALCOHOL MARKET DEPENDS ON THOSE TO WHOM THE
PRODUCTS CANNOT BE LEGALLY SOLD.

LAW

**THEREFORE, RESTRICTIONS ON TOBACCO AND ALCOHOL
ADVERTISING MEET THE CONSTITUTIONAL TEST IN AT LEAST
TWO WAYS:**

**① IT IS APPROPRIATE TO BAN COMMERCIAL SPEECH THAT IS
MISLEADING OR FRAUDULENT.**

AND

**② IT IS APPROPRIATE TO BAN COMMERCIAL SPEECH
RELATED TO ILLEGAL ACTIVITY.**

FS

FREEDOM
OF CHOICE

**FOR ALL THEIR TALK ABOUT "FREEDOM", TOBACCO AND
ALCOHOL INTERESTS ARE GREAT ENEMIES OF FREEDOM.**

**FAR FROM BELIEVING IN FREE SPEECH, TOBACCO AND ALCOHOL
ADVERTISERS USE THEIR ECONOMIC CLOUT TO FORCE
PUBLISHERS NOT TO PRINT ARTICLES ABOUT THE REAL
CONSEQUENCES OF SMOKING AND DRINKING.**

**CIGARETTE AND ALCOHOL ADVERTISING, FAR FROM ALLOWING
FREE CHOICE, ACTUALLY UNDERMINE FREE CHOICE. NICOTINE
ADDICTS AND ALCOHOLICS DO NOT ENJOY FREE CHOICE.**

AND, --REMEMBER THIS-- 1,000 SMOKERS WILL GIVE UP SMOKING
TODAY.

NEED
FOR
CIG.
ADS

.....THEIR FUNERALS WILL BE HELD IN THE NEXT THREE DAYS.

MEANWHILE, ADVERTISERS RECRUIT NEW VICTIMS.

*****EXTRA STUFF:

ALL ADVERTISING AIMS AT MARKET EXPANSION. FOR TOBACCO THAT MEANS KIDS AND WOMEN. TOBACCO ADS UNUSUALLY HIGH IN WOMEN'S AND BLACK MAGAZINES.

INDUSTRY CLAIMS THAT THEY ARE NOT APPEALING TO YOUNG PEOPLE BECAUSE THEIR MODELS ARE ALL OVER 21 --JUST THE KIND OF YOUNG ADULTS TEENAGERS USE AS ROLE MODELS.

"IN COUNTRIES WITH CIGARETTE MONOPOLIES, BRAND-SWITCHING IS IRRELEVANT, YET CIGARETTE ADVERTISING CONTINUES.

ADJ
\$

**TOBACCO AND ALCOHOL ADS IMPLY THAT SMOKING AND
DRINKING HAVE NO ILL CONSEQUENCES.**

**IN SPITE OF INDUSTRY CLAIMS TO THE CONTRARY, ONLY ABOUT
3% - 4% OF BROADCAST REVENUES COME FROM ALCOHOL
ADVERTISING.**

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